

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

CHARGE FUSION TECHNOLOGIES,)
LLC,)
)
Plaintiff,)
) Civil No. 6:21-cv-01078-ADA
v.)
)
TESLA, INC.,) JURY TRIAL DEMANDED
)
Defendant.)
)
)

CASE READINESS STATUS REPORT

Plaintiff, Charge Fusion Technologies, LLC, and Defendant, Tesla, Inc., hereby provide the following status report in advance of the initial Case Management Conference (“CMC”).

FILING AND EXTENSIONS

Plaintiff’s Complaint was filed on October 15, 2021.¹ There were two extensions for a total of fifty-two days, from November 5, 2021 to January 7, 2022.

RESPONSE TO THE COMPLAINT

Defendant filed a partial Motion to Dismiss Plaintiff’s Complaint pursuant to Rule 12(b)(6) on January 7, 2022.² Plaintiff’s response is due by January 21, 2022.

PENDING MOTIONS

The only pending motion is Defendant’s partial Motion to Dismiss Plaintiff’s Complaint.³

RELATED CASES IN THIS JUDICIAL DISTRICT

There are no related cases in this Judicial District where a common patent is asserted.

¹ Doc. No. 1.

² Doc. No. 28.

³ Doc. No. 28.

IPR, CBM, AND OTHER PGR FILINGS

There are currently no pending IPR, CBM, or other PGR filings as of the date of this status report.

NUMBER OF ASSERTED PATENTS AND CLAIMS

Plaintiff has asserted U.S. Patent No. 9,853,488, U.S. Patent No. 10,819,135, and U.S. Patent No. 10,998,753 (collectively the “Asserted Patents”). Plaintiff currently estimates a total of forty-one (41) claims, but reserves the right to decrease the number of asserted claims in its Preliminary Infringement Contentions (“PICs”).

Defendant objects to the assertion of forty-one (41) claims as improper and facially unreasonable. Where Plaintiff asserts such a high volume of claims, Defendant will request an early reduction of asserted claims and/or schedule modifications to provide sufficient time to adequately prepare for the case. *See, e.g.,* <https://www.txwd.uscourts.gov/for-attorneys/judge-albright-courtroom-faq/>.

Plaintiff has not yet served its PICs as of the date of this status report, but will serve its PICs no later than 7 days before the CMC.

APPOINTMENT OF TECHNICAL ADVISER

If the Court believes that a technical advisor would assist the Court with claim construction and other technical issues, Plaintiff is amenable to the appointment of one. Otherwise, Plaintiff does not request that a technical advisor be appointed at this time but may request that a technical advisor be appointed at a future date.

Defendant does not request the appointment of a technical advisor.

MEET AND CONFER STATUS

Plaintiff and Defendant met and conferred. With respect to pre-*Markman* issues to raise at the CMC, Defendant intends to file a transfer motion and requests a schedule to facilitate the potential

resolution of that motion prior to the *Markman* hearing set by the Court. Plaintiff has no pre-*Markman* issues to raise at the CMC. Plaintiff contends that the Court's Standing Order has established procedures for *Markman* and transfer motions and there are no reasons to depart from those procedures or in any way delay the *Markman* hearing.

Dated: January 14, 2022

Respectfully Submitted

/s/ Mark Samartino

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system.

/s/ Frederick A. Tecce

Frederick A. Tecce